



SF 97 - DNA Profiling (1371 SV.1)
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Fiscal Note Version - New

Description

Senate File 97 requires a person convicted of an aggravated misdemeanor to submit a DNA sample. The Bill takes effect January 1, 2010.

Background

Correctional and Fiscal Information

1. Under current law, persons convicted of a felony, offenders that receive a deferred judgment for felony-level crimes, and all sex offenders are required to submit DNA samples.
2. In FY 2008, there were 13,342 offenders convicted of aggravated misdemeanors.
3. Each DNA sample costs \$30 for Division of Criminal Investigation (DCI) lab supplies (mailing envelope, cotton swab, and reagents or processing chemicals).
4. The DCI Crime Lab averages 48 DNA cases per day.
5. The current caseload of the All-Felons Database is 12,500 cases per year.
6. The backlog experienced by the Crime Lab while implementing the All-Felons Database was eliminated in 2007.
7. The Department of Public Safety provides DNA kits to the Department of Corrections and to local law enforcement.
8. In *Schreiber v. State*, (2003), the Court ruled that DNA's underlying purpose is not punitive. In fact, if the petitioners commit no further crimes, it will have no effect on them. Rather, the intent of the statute is to promote public safety.

Minority Data Information

1. In FY 2008, of the 13,342 offenders, 11,224 had race and gender information available in the database.
2. In FY 2008, 17.0% of felony convictions were female and 20.0% of aggravated misdemeanor convictions were female.
3. In FY 2008, the minority percentage of felony convictions was 40.0% and the minority percentage for aggravated misdemeanor convictions was 35.0%.

Assumptions

Correctional and Fiscal Impact

1. Salaries are assumed to be mid-range since positions would first be posted internally and a qualified internal applicant will likely fill the positions resulting in a salary that is greater than the entry-level amount.
2. The Department of Public Safety anticipates needing two additional criminalists and a clerk specialist at an estimated cost of \$235,000.
3. The Division of Criminal Investigation (DCI) would need three additional user licenses for the laboratory information system for the first year only totaling \$9,000.
4. Analysis and sampling costs total \$400,000.
5. The Bill takes effect January 1, 2010, so the fiscal impact for the first year is reduced by half.
6. By adding aggravated misdemeanor convictions to the DNA database, the absolute number of samples would increase by the number that had not previously been tested for a felony conviction.
7. The Department of Corrections plans to collect DNA samples on all 7,369 offenders convicted of aggravated misdemeanors in their custody or supervision.
8. Analysis and sampling costs for the Department of Public Safety to provide kits to the Department of Corrections would total \$111,000 in the first year and \$252,000 in future fiscal years. Since the Bill takes effect January 1, 2010, the first year impact is reduced by half.
9. The Department of Corrections would have an annual additional workload of 5,600 cases based on actual prison and CBC admissions information for FY 2008 in the Iowa Corrections Offender Network (ICON).

Summary of Fiscal Impact

	General Fund		
	Estimated FY 2010	Estimated FY 2011	Estimated FY 2012
Salaries	\$ 117,500	\$ 235,000	\$ 235,000
User License	9,000	0	0
Analysis and Sampling	200,000	400,000	400,000
Kits to DOC	110,500	252,000	168,000
TOTAL	<u>\$ 437,000</u>	<u>\$ 887,000</u>	<u>\$ 803,000</u>
FTE	3.00	3.00	3.00

Minority Impact

1. By including aggravated misdemeanor convictions in the DNA database and assuming none have had a previous felony conviction requiring their DNA to be on file, an additional 2,471 females (approximately) would be added to the DNA database.
2. The percentage of DNA samples taken from females would increase to 19.8% or roughly two percentage points, which may not be statistically significant.

3. More racial minority offenders are convicted for felony convictions in Iowa than for aggravated misdemeanor convictions and would already have their DNA on file.

Summary of Impacts

Minority Impact

Senate File 97 will increase the number of female DNA samples required by approximately 2,500 and the percentage by approximately 2.0% (17.0% to 19.0%). This Bill is not expected to have an impact on racial minorities.

Fiscal Impact

The additional cost to the Department of Public Safety from the General Fund is estimated at \$437,000 for FY 2010; \$887,000 for FY 2011; and \$803,000 for FY 2012 and annually thereafter.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Public Safety
Department of Corrections

/s/ Holly M. Lyons

February 6, 2009

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56, Code of Iowa](#). Data used in developing this fiscal note, including correctional and minority impact information is available from the Fiscal Services Division of the Legislative Services Agency to members of the Legislature upon request.
